

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS Page 1 of 1 FILED FEB - 2 2010 CLERK, U.S. DISTRICT COURT By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

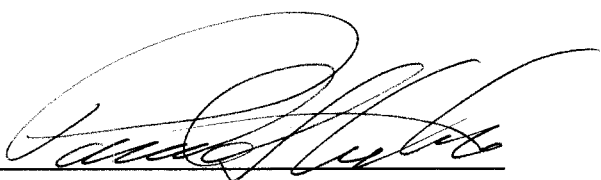
UNITED STATES OF AMERICA)
VS.)
BENITO AVILA)

CASE NO.: 3:09-CR-290-K (01)

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

BENITO AVILA, by consent, under authority of United States v. Dees, 125 F.3d 261 (5th Cir. 1997), has appeared before me pursuant to Fed. R. Crim.P. 11, and has entered a plea of guilty to Count 1 of the Indictment filed on October 7, 2009. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowledgeable and voluntary and that the offense(s) charged is supported by an independent basis in fact containing each of the essential elements of such offense. I therefore recommend that the plea of guilty and plea agreement be accepted and that Defendant be adjudged guilty and have sentence imposed accordingly.

Date: February 2, 2010


PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).